

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KING CONSULTANTS, INC. *d/b/a*
YOUR TS ADVOCATE,
Plaintiff

vs.

TIGER CREEK SAFARI RESORT, LLC,
JOSHUA SMITH, individually, BRIAN
WERNER, individually, TIGER MISSING
LINK FOUNDATION *d/b/a* TIGER
CREEK WILDLIFE REFUGE,
Defendants

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Civil Action No. 6:17-cv-483

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1441 and Federal Rule of Civil Procedure 81, Defendants remove Cause No. 17-679-IV, styled *King Consultants, Inc. dba Your TS Advocate v. Tiger Creek Safari Resort, LLC, et al*, pending in the Chancery Court for Davidson County, Tennessee (the “State Court Action”) to this Court and, for that purpose, would show the Court:

(1) The address for the Chancery Court for Davidson County, Tennessee is Suite 308, 1 Public Square, Nashville, TN 37201.

(2) King Consultants, Inc., d/b/a Your TS Advocate, (“Plaintiff”) is the plaintiff in the State Court Action; Plaintiff is represented in the State Court Action by Rachel Schaffer Lawson, Tennessee bar number 29376, SCHAFFER LAW FIRM PLLC, 1200 Villa Place, Suite 200, Nashville, TN 37212, (615) 712-6394 (telephone), (615) 647-0672 (fax), Rachel@schafferlawfirmtn.com (email), and by Charles M. Duke, Tennessee bar number 23607, LAW OFFICE OF CHARLES M. DUKE, PLLC, 219 Second Avenue, North, Suite 400, Nashville, TN 37219, (615) 256-0138 (telephone), (615) 730-5997 (fax), Marty@mdukelaw.com (email).

(3) Tiger Creek Safari Resort, LLC, Joshua Smith, Brian Werner, and Tiger Missing Link Foundation d/b/a Tiger Creek Wildlife Refuge are the defendants in the State Court Action; Defendants are represented in this Court by counsel named below.

(4) Per the online docket sheet in the State Court Action (a copy of which is attached hereto at Exhibit A), the State Court Action was commenced against Defendants on or about June 30, 2017 and, as of the date of this filing, the following pleadings have been filed in the State Court Action:

- Verified Complaint (Defendants do not have a copy of this pleading),
- Verified Amended Complaint (Exhibit B-1 to B-5 hereto),
- First Application for Temporary Restraining Order (Exhibit C hereto),
- Memorandum in Support of Plaintiff's Application for Temporary Restraining Order and Request for Expedited Discovery (Exhibit D hereto),
- Notice of First Application for Temporary Restraining Order (Exhibit E hereto),
- Order Setting Hearing (Exhibit F hereto), and
- Notice of Appearance (Exhibit G hereto).

Additionally, though not reflected on the docket sheet, a pleading entitled "Notice of Filing" was received today from Plaintiff's counsel and is attached hereto as Exhibit H.

(5) Defendants have **not** been served with summons, citation or a copy of the Verified Complaint in the State Court Action. Plaintiff's counsel emailed a copy of the Verified Amended Complaint to Defendants' counsel on August 23, 2017. Additionally, Plaintiff's counsel indicates that a judicial order seeking expedited discovery in the State Court Action is scheduled for August 25, 2017.¹

¹ A copy of the court's docket sheet in the State Court Action has been requested. However, because it is being mailed to Defendants' counsel, Defendants do not anticipate receiving this copy before the August 25, 2017 hearing Plaintiff has scheduled on its requested judicial order for expedited discovery in the State Court Action. Given that Defendants received less than 48 hours' notice of the hearing in the State Court Action—see *Affidavit of Ty Beard Supporting Notice of Removal* attached hereto—and the risk to their substantive rights, Defendants proceeded to notice removal of the State Court Action and will file the Tennessee state court's docket sheet when Defendants' counsel receives it in the mail.

(6) This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(b). Venue is proper in this Court per 28 U.S.C. §1391.

(7) All Defendants join in this Notice of Removal. In doing so, no Defendant authorizes any other to act on its behalf in any way, and each Defendant reserves all rights to assert its independent interests as to any issue or matter, including defenses and objections as to venue, personal jurisdiction, and service. The filing of this Notice of Removal is subject to, and without waiver of, any such defenses and objections.

WHEREFORE, Defendants pray that the above-entitled action be removed from the Chancery Court for Davidson County, Tennessee to this Court and for such and other relief to which Defendants may be justly or equitably entitled.

Respectfully submitted
BEARD & HARRIS, P.C.

By: /s/ Jim E. Bullock

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Notice of Removal was served, via e-mail, on Rachel Schaffer Lawson (Rachel@schafferlawfirmtn.com) and Charles M. Duke (marty@mdukelaw.com), counsel for Plaintiff, on this day.

Dated: August 24, 2017

/s/ Jim E. Bullock

Attorney Certifying